



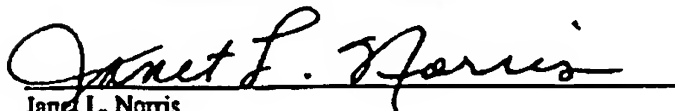
CERTIFICATE OF MAILING

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Janet L. Norris

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Randolph Howes

Application No.: 10/050,121

Filed: January 18, 2002

For: Compositions, Methods, Apparatuses and
Systems for Singlet Oxygen Delivery

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)
) Group Art Unit: 1616
)
) Examiner: Frank I. Choi
)
) Attorney Docket No.: 29794/04001
)
)
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APPEAL BRIEF UNDER 37 C.F.R. § 1.192

Further to the Notice of Appeal filed February 21, 2005, this Appeal Brief is responsive to the non-final Office Action mailed December 30, 2004.

I. Real Party In Interest

The inventor, Randolph M. Howes, is the real party in interest.

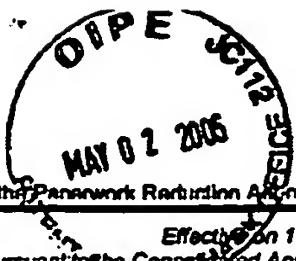
II. Related Appeals and Interferences

To the knowledge of Appellant or his representative, there are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's

05/11/2005 decision in this appeal.

01 PG:2402 EPO:00 DR

See Purpose



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 240.00

Complete if Known

Application Number	10/050,121
Filing Date	January 18, 2002
First Named Inventor	Randolph M. Howes
Examiner Name	Frank I. Choi
Art Unit	1616
Attorney Docket No.	29794/04001

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 03-0172 Deposit Account Name: Calfee Halter & Griswold

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = Extra Claims x Fee (\$) = Fee Paid (\$) Multiple Dependent Claims
HP = highest number of total claims paid for, if greater than 20
Indep. Claims - 3 or HP = Extra Claims x Fee (\$) = Fee Paid (\$)
HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof x Fee (\$) = Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Supplemental Information Disclosure Statement, Petition for Extension of Time

Fees Paid (\$)
\$240.00

SUBMITTED BY

Signature	<i>Sean Myers-Payne</i>	Registration No. (Attorney/Agent)	42,920	Telephone	(614) 621-7754
Name (Print/Type)	Sean C. Myers-Payne	Date	April 28, 2005		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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